

## WHY APPROVAL OF WARRANT ARTICLE 43 WOULD REPRESENT A WIN/WIN FOR ALL

The Town of Amherst has a **Legal Right** of first refusal to purchase the land at the Cushman site, on which the proposed student housing development known as “The Retreat” would be built. Passage of Article 43 would simply allow time to sensibly explore and potentially exercise this right. It does not commit the town to any other action or expense.

**PASSAGE OF ARTICLE 43 WOULD NOT RESULT IN THE TOWN TAKING THE LAND BY EMINENT DOMAIN:** The town, by right, has the option of first refusal to purchase, not take, and this right would be preserved by passage of the Article. The term eminent domain is in article 43 simply as a **technicality**—once the land is purchased, eminent domain would be used to clear the title.

Article 43 proposes that the town of Amherst initiate the process to *explore the possibility* of purchasing the land for conservation (70% of the land) and for reasonable development (30% of the land).

Citizens from across Amherst are asking the town meeting to approve this Article, so as to allow time for the exploration of this right of first refusal and to allow time to find the funds. Significant efforts are already underway to obtain funding from a variety of sources.

**Once adequate funds are found, then everyone, both town residents and the landowner, will win because:**

- **Recreational and environmentally designated conservation land** already part of Amherst’s Open Space and Recreation Plan will be **preserved**.
- The **Historic Cushman** neighborhood will be **preserved**.
- The Town of Amherst will **not be subjected to inevitable and ongoing hidden costs** in providing increased funding for police, fire, ambulance, and roads.
- The residents of Amherst will not have to confront the political divisiveness that will arise as the quality of life inevitably deteriorates in the wake of high traffic volume, excessive noise, and periodic, large and rowdy student parties, as has been historically the case.
- The Town of Amherst will have the **opportunity to devise a sensible and comprehensive plan**, involving both the town and the university, which will protect our homes and neighborhoods. **This was already funded by town meeting –let’s give it a chance!**
- Planning can be conducted to mitigate the negative impact on other green spaces, such as **Puffer’s Pond**, that would inevitably be a consequence of having such a high student population density, at such a short distance.
- Any purchase deriving from the exercise of the Town’s right of first refusal would also be a win for the shareholders of W. D. Cowls, Inc. as, under any scenario, they would be **well compensated**.

A **yes** vote for article 43 does not ask the Town to supply unreasonable funding, nor will the Town be obligated to supply any funding without further deliberation and voting. Many concerned Amherst residents are deeply committed to, and are already active in, finding the funding necessary to purchase this land without causing undue financial stress on the town. A **yes** vote on Article 43 simply supports this work toward a winning solution.

**Passage of Article 43 will preserve the possibility of a win/win outcome because without it the Town’s right of first refusal may not be exercised and then the developer would certainly attempt to proceed—without any reasonable and prudential planning.**